

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on September 9, 2003.

Claims 1 – 12 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim 9 was amended to correct a cosmetic defect, in addition to other amendments.

Claims 1 – 2 and 5 – 12 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,181,252, Nakano (“Nakano”). The applicants respectfully request that this rejection be withdrawn for the following reasons.

As described in the application, the specification recognizes problems such as eavesdropping on transmitted key codes. (E.g., specification page 1, lines 27 - 33.)

Independent claim 1 recites in combination, for example, use of “a specific key code peculiar to each system,” an “enciphered code,” and “a default key code;” where “said specific key code to be used in said deciphering means is transmitted from said transmitter to said receiver and registered therein,” “said enciphering means enciphers said specific key code through the use of a default key code,” and “said transmitter transmits the enciphered specific key code to said receiver.” Thereby, to register the specific key code at the receiver, the specific key code is enciphered through the use of the default code and transmitted from the transmitter to the receiver.

Independent claim 5 recites, in combination, “a specific key code specific to a particular remote control system,” and “a registration key code set in advance to change the contents of said enciphering table;” “said enciphering means enciphering said specific key code through the use of the changed enciphering table including said registration key code,” “said transmitter transmitting the enciphered specific key code produced by said enciphering means,” and “the receiver registering the deciphered specific key code therein.” (See also independent claim 9.) Consequently, to register the specific key code in the receiver (or vehicle mounted unit (claim 9)), the specific key code is enciphered through use of the registration code and transmitted from a transmitter (or portable unit (claim 9)) to the receiver (or vehicle mounted unit (claim 9)).

The office action asserts that Nakano anticipates the invention as claimed. To the contrary, Nakano fails to set forth each and every element found in the claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

According to Nakano, a specific key code is stored in an EEPROM of a transmitter in a vehicle manufacturing stage (Col. 2, lines 43 – 45; col. 3, lines 46 – 48). With respect to independent claim 1, Nakano, however, fails to teach or suggest that the specific key code stored in the EEPROM is transmitted to a receiver and registered therein. Moreover, although Nakano arguably suggests that a rolling code can be enciphered through a specific key code, Nakano completely fails to teach or suggest that the specific key code is enciphered through a default code for the registration of the specific key code in the receiver. Nakano fails to teach or suggest

these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Nakano.

With respect to independent claims 5 and 9, Nakano fails to teach or suggest, for example, that a specific key code and a registration code are used, so that, in order to register the specific key code in the receiver (or vehicle mounted control unit), the specific key code is enciphered through use of the registration code and is transmitted from a transmitter (or portable unit) to the receiver (or vehicle mounted control unit). Moreover, Nakano fails to teach or suggest that the registration code is set by changing the contents of the enciphering table.

Nakano fails to teach or suggest, for example, these elements recited in independent claims 1, 5, and 9. It is respectfully submitted therefore that claims 1, 5 and 9 are patentable over Nakano.

For at least these reasons, the combination of features recited in independent claims 1, 5, and 9, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Nakano clearly fails to show other recited elements as well.

With respect to the rejected dependent claims 2, 6 – 8 and 10 – 12, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claims 1, 5, and 9, but also because of additional features they recite in combination.

Claims 3 – 4 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,596,317, Brinkmeyer et al. (“Brinkmeyer”).

Independent claim 3 recites, in combination, “deciphering means for transmitting said predetermined code to said portable unit,” that “said specific key code to be used in said deciphering means is transmitted from said portable unit to said vehicle-mounted control unit

and registered therein,” and “said enciphering means enciphers said specific key code through the use of a default key code stored in said portable unit and said vehicle-mounted control unit.”

The office action asserts that Brinkmeyer anticipates the invention as claimed in claim 3. To the contrary, Brinkmeyer fails to set forth each and every element found in the claims.

According to Brinkmeyer, a plurality of control devices are provided on a vehicle side. A signal can be transmitted from the control devices to an electronic key a user carries so that necessary code enciphering can be carried out in the electronic use key, and the enciphered signal can then be returned to the vehicle side control devices, thereby authenticating the returned enciphered signal in the vehicle side control devices.

Brinkmeyer fails to teach or suggest, for example, that a specific key code stored in the transmitter (e.g., in an EEPROM) is transmitted to a receiver to be registered therein. Moreover, Brinkmeyer fails to teach or suggest enciphering the specific key code through the use of a default code for the registration of the specific key code in a receiver. To the contrary, according to Brinkmeyer, a technique for enciphering a signal uses a specific key code.

Brinkmeyer fails to teach or suggest, for example, these elements recited in independent claim 3. For at least these reasons, the combination of features recited in independent claim 3, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Brinkmeyer clearly fails to show other recited elements as well.

With respect to the rejected dependent claim 4, the applicants respectfully submit that this claim is allowable not only due to its dependency from independent claim 3, but also because of additional features it recites in combination.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the

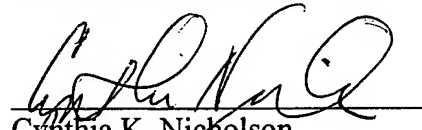
cited prior art shown any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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